

SECRET

Office of the General Counsel

11 August 1949

Chief, Contact Branch, OC

Nikolai No. 1012

1. In accordance with your oral suggestion to Mr. [ ] of this Branch on 10 August, the problem of disposition of the two sons of subject was returned to OGC [ ] for action. For your information, the history of the connection of this Branch with this problem is outlined herewith.

2. Subject was turned over to this Branch for housekeeping purposes while OGC remained the office of principal interest. By agreement, this Branch exploited the positive foreign intelligence potential of this subject to such extent as did not interfere with his other commitments.

3. The question of his sons was one of many problems of concern to subject which he discussed from time to time. It was his free decision that the first step should be for him to write the British intelligence officer with whom he had dealings in Germany, and who was aware of what had been done with the two sons. He allowed a period of thirty days for an answer to this letter to arrive. No reply was received. Subject gave representatives of this Branch to understand that the original arrangements between him and representatives of OGC whom, of course, he did not know as such, were that the end result would be that he, his wife and his two sons would all find themselves residents of the United States. You will recall that your recollection of the file on subject during the 10 August conversation was that there was no moral commitment implied or expressed upon the US Government to facilitate the migration of the sons to this country. It should be noted that on re-coordinating this matter with OGC we were expressly informed that their files indicated that there was definite express commitment that the sons would be brought to this country. It is the opinion of officers of this Branch who have been in intimate contact with subject that the problem of the sons, together with several other still unsettled questions with respect to future arrangements, can have a sharply deleterious effect on subject's morale. While subject is obviously a far more stable and mature character than Anatoly BARSKY, it is not impossible that the cumulative effect of deteriorating prospects of subject's future in this country might culminate in a crisis as embarrassing to the United States Government as the BARSKY case now provides.

4. In discussion with OGC after discussion with you on 10 August, it appeared that OGC was definitely in favor of the successful negotiation of the sons' migration. Since it is agreed among your office, this Branch and OGC that the whole problem belongs to OGC and our authority and responsibility is confined to service aspects, this memorandum is prepared purely as a factual statement without recommendation or opinion of this Branch.

LYMAN B. KENNEDY

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cc: Mr. [ ] OGC

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SOURCE/METHOD/EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2005